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GENERAL ASSEMBLY
Forty-eighth session
Item 121 of the preliminary list*
QUESTION OF EAST TIMOR

SECURITY COUNCIL
Forty-eighth year

Letter dated 9 June 1993 from the Chargé d'affaires a.i. of the Permanent Mission of Indonesia to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith the text of a statement by the Department of Foreign Affairs of Indonesia on the trial of Xanana Gusmao, dated 8 June 1993 (see annex), in response to the note verbale of 21 May 1993 from the Permanent Mission of Portugal to the United Nations addressed to the Secretary-General (A/48/175-S/25819).

I should be grateful if you would have the text of the present letter and its annex circulated as an official document of the forty-eighth session of the General Assembly and of the Security Council.

(Signed) Witjaksana SOEGARDA
Chargé d'affaires a.i.
Ambassador/Deputy Permanent Representative

* A/48/50.

ANNEX

Statement on the trial of Xanana Gusmao issued on 8 June 1993 by the Department of Foreign Affairs of Indonesia

1. In another attempt to discredit Indonesia and to mislead international public opinion, the Government of Portugal on 21 May 1993 issued a communiqué on the sentence pronounced against Xanana Gusmao. As has become standard fare in the unending stream of Portuguese communications of this kind, this most recent communiqué is again replete with baseless accusations, malicious misinterpretations, distortion of facts and ever more strident innuendo. The Department of Foreign Affairs of Indonesia deems it appropriate and necessary, therefore, to put the record straight and to issue the following statement.

2. On 21 May 1993, Mr. Jose Alexandre "Xanana" Gusmao was sentenced to life imprisonment by the Dili District Court, East Timor. He was found guilty under articles 106, 108, and 110 of the Criminal Code. He was charged, inter alia, with leading an armed rebellion against the Government of Indonesia, disrupting national stability and illegal possession of firearms. The trial of Mr. Gusmao was conducted in accordance with the laws and regulations of Indonesia. Throughout the trial proceedings, he was assisted by legal counsel and the services of sworn interpreters. Mr. Gusmao has been accorded due process of law and was tried in a manner consistent with the rights of anyone under those laws and regulations. Mr. Gusmao has the right to appeal to a higher court or to make a request for clemency. It is therefore absurd and totally unwarranted for Portugal to make accusations that the trial of Mr. Gusmao is a "political trial" and that it "was fraught with the gravest irregularities and outrages", and that witnesses had been subjected to coercion and abuse.

3. Throughout his detention and the trial proceedings, Mr. Gusmao was treated in a manner consistent with international standards. He was also visited by the International Committee of the Red Cross (ICRC) and Mr. Amos Wako, the personal envoy of the United Nations Secretary-General. The trial - in a civil court of law - was open to the public and observed by diplomats, foreign journalists, including nine Portuguese journalists, representatives of Asia Watch and the International Commission of Jurists, as well as by a representative of the United Nations Secretary-General. The trial proceedings were also attended by the defendant's close relatives, including his parents, his sister and others.

4. It should be noted that those who were detained along with Mr. Gusmao have also been accorded due process of law. They were all treated humanely and ICRC also visited them.

5. The Government of Indonesia categorically rejects the claim of Portugal that Indonesia lacks "any political, moral or legal authority" to conduct the trials against Mr. Gusmao and those who are committing acts in violation of the Indonesian laws and regulations. It should be recalled that after the irresponsible abandonment of East Timor by the erstwhile Portuguese colonial authorities in August 1975, the people of East Timor have rightfully exercised their right to self-determination and decolonization. This they did by choosing independence through integration with Indonesia in accordance with United Nations General Assembly resolution 1514 (XV) of 14 December 1960 and

principles VI, VIII and IX of its resolution 1541 (XV) of 15 December 1960, and as confirmed by the relevant provisions of resolution 2625 (XXV) of 24 October 1970, thereby terminating their former colonial status. Thus, the true fact of the situation is that, by utterly failing in its responsibility, Portugal has indeed forfeited any right or legitimacy to be still considered the administering Power of East Timor. For these reasons Indonesian laws and regulations are applicable to anyone for committing acts in contravention of those laws and regulations. The trial of Mr. Gusmao is therefore fully within the jurisdiction of Indonesia.

6. Another attempt at disinformation by the Government of Portugal can be seen in their effort to establish a linkage between the Government of Indonesia and certain media reports accusing Mr. Amos Wako, the personal envoy of the United Nations Secretary-General, of having influenced Mr. Xanana Gusmao in the presentation of his defence plea. These media reports have subsequently been proven to be without foundation and, as evident in the official statement made, the Government of Indonesia has never given credence to those reports. The clarifications made by the Secretary-General in his statement on 21 May 1993 is greatly appreciated by the Government of Indonesia. The Government of Indonesia has full confidence in the mission carried out by Mr. Amos Wako, the personal envoy of the Secretary-General.

7. It is obvious that the Government of Portugal has once again seized the opportunity, this time utilizing the occasion of the trial of Mr. Gusmao, to intensify its campaign to discredit Indonesia and to undermine the serious efforts by the United Nations Secretary-General to find a comprehensive and internationally acceptable solution to the question of East Timor through the tripartite dialogue. The continuing barrage of baseless accusations and the intensified campaign waged against Indonesia have put in serious doubt the goodwill and seriousness of Portugal in finding a solution to the question of East Timor through the dialogue under the auspices of the United Nations Secretary-General.

8. It is to be hoped that the trial of Mr. Gusmao will focus world attention on the tragic consequences of a policy of violence and conflict as carried out by Mr. Gusmao's followers and sympathizers. It is also to be hoped that peace and development can now replace the security disruptions that prevailed in East Timor in the past and that the sincere and serious efforts of the world community can now be focused on what is best in the long-term interest of the people of the province.

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Forty-eighth session
Items 34, 35, 42, 55, 79, 86, 92 and 149 of the preliminary list*
THE SITUATION IN THE MIDDLE EAST
QUESTION OF PALESTINE
THE SITUATION IN BOSNIA AND HERZEGOVINA
CONSEQUENCES OF THE IRAQI OCCUPATION OF AND AGGRESSION AGAINST KUWAIT
REVIEW OF THE IMPLEMENTATION OF THE DECLARATION ON THE STRENGTHENING OF INTERNATIONAL SECURITY
REPORT OF THE SPECIAL COMMITTEE TO INVESTIGATE ISRAELI PRACTICES AFFECTING THE HUMAN RIGHTS OF THE PALESTINIAN PEOPLE AND OTHER ARABS OF THE OCCUPIED TERRITORIES
DEVELOPMENT AND INTERNATIONAL ECONOMIC COOPERATION
REPORT OF THE SPECIAL COMMITTEE ON THE CHARTER OF THE UNITED NATIONS AND ON THE STRENGTHENING OF THE ROLE OF THE ORGANIZATION

SECURITY COUNCIL
Forty-eighth year

Letter dated 9 June 1993 from the Permanent Representative of the United Arab Emirates to the United Nations addressed to the Secretary-General

On instructions from my Government, I have the honour to transmit herewith the Arabic text of the statement of the Ministerial Council of the Gulf Cooperation Council at its forty-seventh session held at Riyadh, Saudi Arabia, on 7 and 8 June 1993.

* A/48/50.

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I should be grateful if you would have this letter and its annex circulated as a document of the General Assembly at its forty-eighth session, under agenda items 34, 35, 42, 55, 79, 86, 92 and 149, and as a document of the Security Council.

(Signed) Mohammad J. SAMHAN
Permanent Representative

ANNEX

Statement by the Ministerial Council of the Gulf Cooperation Council at its forty-seventh session, held at Riyadh, Saudi Arabia, on 17 and 18 Dhu'lhijjah A.H. 1413 (7 and 8 June A.D. 1993)

The Ministerial Council held its forty-seventh session on 17 and 18 Dhu'lhijjah A.H. 1413 (7 and 8 June A.D. 1993) at the headquarters of its Secretariat at Riyadh, under the chairmanship of His Excellency Rashid Abdullah al-Noaimi, Minister for Foreign Affairs of the United Arab Emirates, Chairman of the current session of the Ministerial Council, in the presence of:

His Excellency Sheikh Isa Bin Muhammad Al Khalifa, Ambassador of the State of Bahrain to the Kingdom of Saudi Arabia;

His Royal Highness Prince Saud al-Faisal, Minister for Foreign Affairs of the Kingdom of Saudi Arabia;

His Excellency Mr. Yousef Bin Al-Alawi Bin Abdulla, Minister for Foreign Affairs of the Sultanate of Oman;

His Excellency Sheikh Hamad Bin Jassem Bin Jabr Al Thani, Minister for Foreign Affairs of the State of Qatar;

His Excellency Sheikh Sabah al-Ahmad al-Jaber al-Sabah, First Deputy Prime Minister and Minister for Foreign Affairs of the State of Kuwait.

The Ministerial Council took the occasion of the twelfth anniversary of the auspicious launching of the Gulf Cooperation Council (GCC) to convey to Their Majesties and Excellencies the leaders of the GCC States its sincerest congratulations, praying to the Almighty that it might accomplish the desired goals and objectives in the interests and welfare of the peoples and States of GCC.

The Ministerial Council reviewed the latest regional and international developments and considered the situation in the region in the light of the Iraqi regime's continued procrastination in implementing the relevant Security Council resolutions concerning its aggression against the State of Kuwait. The Council condemns the Iraqi regime for its attempt to shirk its international obligations, for its violation of the terms of the cease-fire laid down by Security Council resolution 687 (1991) and other relevant resolutions, and for its continued threatening of the sovereignty and independence of the State of Kuwait and its jeopardizing of security and stability in the region.

The Council commends the adoption of Security Council resolution 833 (1993), which gives definitive recognition to the results of the Iraq-Kuwait Boundary Demarcation Commission and guarantees the inviolability of the international border between the two countries in accordance with the provisions of Chapter VII of the Charter, for the genuine contribution of that resolution to the strengthening of security and stability in the region. The Council expresses its appreciation to the States members of the Security Council for

their objective and just stance and to the Secretary-General of the United Nations and the Chairman and members of the Iraq-Kuwait Boundary Demarcation Commission for their untiring efforts in carrying out their task in such a precise and just manner.

The Council reaffirms its constant position regarding the need for Iraq to implement all the relevant Security Council resolutions concerning its aggression against the State of Kuwait, and all the articles of resolution 687 (1991), in particular those relating to the release of Kuwaiti and other prisoners and detainees, the recognition of the international boundary between the two countries on the basis of the Agreed Minutes of 1963 and in accordance with Security Council resolutions 687 (1991), 773 (1992) and 833 (1993), the payment of compensation, the speedy return of stolen property and the facilitation of the tasks of the international inspection teams entrusted with the elimination of weapons of mass destruction. Iraq should undertake not to commit or support any acts of terrorism or sabotage. The Ministerial Council urges the international community to continue to exert pressure on the Iraqi regime to undertake to implement fully all the resolutions of international legality.

While reaffirming its absolute attachment to the unity and territorial integrity of Iraq, the Council places full responsibility on the Iraqi regime for the bloody repression to which the fraternal Iraqi people have been subjected and for any other human suffering it may be experiencing as a result of the refusal of that regime to implement Security Council resolutions 706 (1991) and 712 (1991), which deal with the needs of Iraq in respect of foodstuffs and medicine.

The Council also reviewed developments in the relationship with the Islamic Republic of Iran and reaffirmed its full support for the sovereignty of the United Arab Emirates over its three islands, Abu Musa, the Greater Tunb and the Lesser Tunb. It reiterates its support for all measures and peaceful means that may be adopted by the United Arab Emirates to recover its sovereignty over its islands.

The Ministerial Council also welcomed the agreement which has been reached between the United Arab Emirates and the Islamic Republic of Iran concerning their desire and willingness to engage in further dialogue between the two countries for the resolution of all matters pending.

The Council reaffirms its full solidarity with and complete support for the measures taken by the Kingdom of Saudi Arabia to ensure the safety of pilgrims to Makkah and to enable them to perform the obligation of the pilgrimage in safety, comfort and tranquillity, in accordance with the teachings of the Islamic religion.

The Ministerial Council considered the developments of the peace process in the Middle East in the light of the end of the ninth round of bilateral negotiations and welcomes the agreement of the parties concerned to hold the tenth round in June of the current year. The Council renews its full support for the peace process, which is aimed at reaching a just, lasting and comprehensive solution to the Palestinian question and the Arab-Israeli conflict on the basis of Security Council resolutions 242 (1967) and 338 (1973), the

principle of land for peace, the achievement of a complete Israeli withdrawal from the occupied Arab territories, first and foremost Jerusalem, the guaranteeing of the legitimate national rights of the Palestinian people, including its right to self-determination, and the establishment of firm foundations on which to guarantee security and stability in the Middle East.

The Ministerial Council urges the international community to take what steps are necessary to induce Israel immediately to lift the state of embargo imposed on the occupied Arab territories, to respect the rights of Palestinians in the occupied territories, which are guaranteed by the fourth Geneva Convention, to begin implementation of Security Council resolution 799 (1992), to refrain from violating the sovereignty and independence of Lebanon and to implement Security Council resolution 425 (1978) calling upon Israel to withdraw unconditionally from all Lebanese territory in conformity with the spirit of the peace efforts being exerted and confidence-building measures.

The Ministerial Council notes with grave concern the continued severe and painful human suffering of the people of the Republic of Bosnia and Herzegovina as a result of the continued evil Serbian aggression and the violation by irregular Serbian forces, supported by Serbia and Montenegro, of the instruments of the United Nations, as well as their challenge to international legality.

The Ministerial Council renews its condemnation of the Serbian aggression against the Republic of Bosnia and Herzegovina, the perpetration by the Serbian forces of the most repugnant crimes of genocide and their practice of the repugnant policy of ethnic cleansing, arbitrary killings, organized rape, terror, displacement of persons, starvation and destruction of houses and places of worship. It urges the Security Council to take immediately all the necessary measures to enable the Republic of Bosnia and Herzegovina to exercise its right to self-defence in accordance with Article 51 of the Charter of the United Nations, and to lift the arms embargo imposed on it.

In the light of Security Council resolution 836 (1993), the Ministerial Council urges the Security Council to take all the measures allowed under Article 42 of Chapter VII of the Charter of the United Nations to restore international peace and security and to compel the forces of aggression to abide by the resolutions of international legality, to refrain from rewarding the aggressors by preventing changes in the demographic make-up or the achievement of territorial gains through a policy of imposing a fait accompli, and to compel the Serbian forces to withdraw and respect the independence, sovereignty and unity of the territory of the Republic of Bosnia and Herzegovina. The Council also urges the international community to tighten the sanctions and to increase the pressure on Serbia and Montenegro.

The Council expresses its concern over the regrettable incidents which have taken place recently against the forces of the United Nations in Somalia. It hopes that the latest Security Council resolution will strengthen the progress of security and stability in this fraternal country. On the basis of the agreement of the Ministers for Foreign Affairs of the Damascus Declaration States at their sixth meeting in September last year at Doha, Qatar, to hold their seventh meeting at Abu Dhabi, following a generous invitation from the Government of the United Arab Emirates, the Ministerial Council looks forward to this meeting, which will be held at Abu Dhabi on 12 June of the current year in

continuation of the cooperation which has characterized all the previous meetings between the eight States.

The Council welcomes the independence of Eritrea and looks forward to establishing firm relations which are consonant with the historical links and will contribute to the strengthening of security and stability in the region.

On the economic and cultural side, the Council examined the minutes of the relevant ministerial committees and welcomed the positive results achieved by the joint meeting between the Minister for Foreign Affairs of the GCC countries and the European Community. It expressed its hope that the bilateral Joint Committee due to convene next month will arrive at practical proposals which further the joint interests of both sides. The Ministerial Council also expressed its satisfaction with the positive results achieved by the first conference of GCC and United States businessmen.

The Ministerial Council expressed its thanks to the Government of Belgium for hosting the fourth session of the Joint Ministerial Council and for the facilities which it has provided to open a permanent GCC mission to the European Community at Brussels.